

House Study Bill 644 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act providing for the licensing of polysomnographic
2 technologists and providing for a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, respiratory care
10 practitioner, practitioner of cosmetology arts and sciences,
11 practitioner of barbering, funeral director, dietitian, marital
12 and family therapist, mental health counselor, polysomnographic
13 technologist, social worker, massage therapist, athletic
14 trainer, acupuncturist, nursing home administrator, hearing aid
15 dispenser, or sign language interpreter or transliterator means
16 a person licensed under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,
18 osteopathic medicine and surgery, practice as a physician
19 assistant, psychology, chiropractic, nursing, dentistry,
20 dental hygiene, dental assisting, optometry, speech pathology,
21 audiology, pharmacy, physical therapy, physical therapist
22 assisting, occupational therapy, occupational therapy
23 assisting, respiratory care, cosmetology arts and sciences,
24 barbering, mortuary science, marital and family therapy, mental
25 health counseling, polysomnography, social work, dietetics,
26 massage therapy, athletic training, acupuncture, nursing home
27 administration, hearing aid dispensing, or sign language
28 interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A person shall not engage in the practice of medicine
32 and surgery, podiatry, osteopathic medicine and surgery,
33 psychology, chiropractic, physical therapy, physical therapist
34 assisting, nursing, dentistry, dental hygiene, dental
35 assisting, optometry, speech pathology, audiology, occupational

1 therapy, occupational therapy assisting, respiratory care,
2 pharmacy, cosmetology arts and sciences, barbering, social
3 work, dietetics, marital and family therapy or mental health
4 counseling, massage therapy, mortuary science, polysomnography,
5 athletic training, acupuncture, nursing home administration,
6 hearing aid dispensing, or sign language interpreting
7 or transliterating, or shall not practice as a physician
8 assistant, unless the person has obtained a license for that
9 purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 3, Code 2011, is amended
11 to read as follows:

12 3. For psychology and polysomnographic technology, the
13 board of psychology.

14 Sec. 4. Section 147.14, subsection 1, paragraph g, Code
15 2011, is amended to read as follows:

16 g. For psychology, five members who are licensed to
17 practice psychology, two members who are licensed to practice
18 polysomnographic technology, and two members not licensed to
19 practice psychology and who shall represent the general public.
20 Of the five members who are licensed to practice psychology,
21 one member shall be primarily engaged in graduate teaching in
22 psychology or primarily engaged in research psychology, ~~three~~
23 two members shall be persons who render services in psychology,
24 and one member shall represent areas of applied psychology and
25 may be affiliated with training institutions and shall devote
26 a major part of the member's time to rendering service in
27 psychology.

28 Sec. 5. Section 147.74, Code 2011, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 22A. A person who is licensed to engage
31 in the practice of polysomnography shall have the right to use
32 the title "polysomnographic technologist" or the abbreviation
33 "PSGT".

34 Sec. 6. NEW SECTION. 148F.1 **Definitions.**

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "*Board*" means the board of psychology established in
3 chapter 147.

4 2. "*Direct supervision*" means that the polysomnographic
5 technologist providing supervision must be present in the
6 area where the polysomnographic procedure is being performed
7 and immediately available to furnish assistance and direction
8 throughout the performance of the procedure.

9 3. "*General supervision*" means that the polysomnographic
10 procedure is provided under a physician's overall direction and
11 control, but the physician's presence is not required during
12 the performance of the procedure.

13 4. "*Physician*" means a person who is currently licensed in
14 Iowa to practice medicine and surgery or osteopathic medicine
15 and surgery.

16 5. "*Polysomnographic student*" means a person who is enrolled
17 in a commission on accreditation of allied health education
18 program or an equivalent program as determined by the board,
19 and who may provide sleep-related services under the direct
20 supervision of a polysomnographic technologist as a part of the
21 person's educational program.

22 6. "*Polysomnographic technician*" means a person who has
23 graduated from a commission on accreditation of allied health
24 education program or an equivalent program as determined by the
25 board but has not yet passed an accepted national credentialing
26 examination given by an approved certifying agency, who has
27 obtained a temporary permit from the board, and who may provide
28 sleep-related services under the general supervision of a
29 licensed physician.

30 7. "*Polysomnographic technologist*" means a person who is
31 credentialed by an approved certifying agency and is licensed
32 by the board to engage in the practice of polysomnography under
33 the general supervision of a physician.

34 8. "*Polysomnographic trainee*" means a person who is enrolled
35 in an accredited sleep technologist educational program that is

1 accredited by the American academy of sleep medicine and who
2 may provide sleep-related services under the direct supervision
3 of a polysomnographic technologist as a part of the person's
4 educational program.

5 9. "*Practice of polysomnography*" means as described in
6 section 148F.2.

7 10. "*Sleep-related services*" means acts performed by
8 polysomnographic technicians, polysomnographic trainees,
9 polysomnographic students, and other persons permitted to
10 perform those services under this chapter, in a setting
11 described in this chapter that would be considered the
12 practice of polysomnography if performed by a polysomnographic
13 technologist.

14 Sec. 7. NEW SECTION. 148F.2 Practice of polysomnography.

15 The practice of polysomnography consists of the following
16 tasks, under the general supervision of a licensed physician:

17 1. Monitoring, recording, and evaluating physiologic data
18 during the evaluation of sleep-related disorders, including
19 sleep-related respiratory disturbances, by applying any of the
20 following techniques, equipment, or procedures:

21 a. Noninvasive continuous, bilevel positive airway pressure,
22 or adaptive servo-ventilation titration on spontaneously
23 breathing patients using a mask or oral appliance; provided,
24 that the mask or oral appliance does not extend into the
25 trachea or attach to an artificial airway.

26 b. Supplemental low-flow oxygen therapy of less than six
27 liters per minute, utilizing a nasal cannula or incorporated
28 into a positive airway pressure device during a polysomnogram.

29 c. Capnography during a polysomnogram.

30 d. Cardiopulmonary resuscitation.

31 e. Pulse oximetry.

32 f. Gastroesophageal pH monitoring.

33 g. Esophageal pressure monitoring.

34 h. Sleep stage recording using surface

35 electroencephalography, surface electrooculography, and surface

- 1 submental electromyography.
- 2 *i.* Surface electromyography.
- 3 *j.* Electrocardiography.
- 4 *k.* Respiratory effort monitoring, including thoracic and
- 5 abdominal movement.
- 6 *l.* Plethysmography blood flow monitoring.
- 7 *m.* Snore monitoring.
- 8 *n.* Audio and video monitoring.
- 9 *o.* Body movement monitoring.
- 10 *p.* Nocturnal penile tumescence monitoring.
- 11 *q.* Nasal and oral airflow monitoring.
- 12 *r.* Body temperature monitoring.
- 13 2. Monitoring the effects that a mask or oral appliance
- 14 used to treat sleep disorders has on sleep patterns; provided,
- 15 however, that the mask or oral appliance shall not extend into
- 16 the trachea or attach to an artificial airway.
- 17 3. Observing and monitoring physical signs and symptoms,
- 18 general behavior, and general physical response to
- 19 polysomnographic evaluation and determining whether initiation,
- 20 modification, or discontinuation of a treatment regimen is
- 21 warranted.
- 22 4. Analyzing and scoring data collected during the
- 23 monitoring described in this section for the purpose of
- 24 assisting a physician in the diagnosis and treatment of sleep
- 25 and wake disorders that result from developmental defects,
- 26 the aging process, physical injury, disease, or actual or
- 27 anticipated somatic dysfunction.
- 28 5. Implementation of a written or verbal order from a
- 29 licensed physician to perform polysomnography.
- 30 6. Education of a patient regarding the treatment regimen
- 31 that assists the patient in improving the patient's sleep.
- 32 7. Use of any oral appliance used to treat sleep-disordered
- 33 breathing while under the care of a licensed polysomnographic
- 34 technologist during the performance of a sleep study, as
- 35 directed by a licensed dentist.

1 Sec. 8. NEW SECTION. 148F.3 **Location of services.**

2 The practice of polysomnography shall take place only in a
3 hospital, a stand-alone sleep laboratory or sleep center, or
4 in the patient's residence in accordance with a physician's
5 order; provided, however, that the scoring of data and the
6 education of patients may take place in settings other than in
7 a hospital, sleep laboratory, sleep center, or the patient's
8 residence.

9 Sec. 9. NEW SECTION. 148F.4 **Scope of chapter.**

10 Nothing in this chapter shall be construed to limit or
11 restrict a health care practitioner licensed in this state from
12 engaging in the full scope of practice of the individual's
13 profession.

14 Sec. 10. NEW SECTION. 148F.7 **Powers of the board.**

15 The board may do any of the following:

16 1. Promulgate rules necessary for the implementation and
17 administration of this chapter and the applicable provisions
18 of chapter 147.

19 2. Establish fees as provided in section 147.80.

20 3. Review and approve or reject the application of each
21 person who applies for licensure as a polysomnographic
22 technologist.

23 4. Issue all temporary permits and all approved licenses and
24 renewals of licenses.

25 5. Deny, suspend, revoke, restrict, or impose conditions
26 on a license, as the board deems necessary or appropriate at
27 the time a license is issued, renewed, or reinstated, or as a
28 sanction imposed at the conclusion of a disciplinary hearing.

29 6. Issue private advisory letter rulings to any person
30 licensed under this chapter who makes a request for a ruling
31 regarding any matter within the board's jurisdiction; provided,
32 however, that the ruling shall affect only the licensee making
33 the inquiry and shall have no precedential value for any other
34 contested case or inquiry before the board or the committee.

35 7. Develop a code of ethics for the practice of

1 polysomnography.

2 8. Develop standards of care for the practice of
3 polysomnography.

4 9. Develop standards for the educational and clinical
5 training of polysomnographic technologists, including the
6 evaluation of the accreditation status of educational programs
7 in polysomnography.

8 10. Develop criteria for the evaluation of applications for
9 licensure submitted by polysomnographic technologists who are
10 licensed in other states.

11 11. Develop continuing education requirements for licensed
12 polysomnographic technologists.

13 Sec. 11. NEW SECTION. 148F.8 **Licensing requirement.**

14 1. *a.* Commencing January 1, 2013, a person who is engaged
15 in the practice of polysomnography shall be licensed as
16 provided in this chapter and it shall be unlawful for any
17 person to engage in the practice of polysomnography without
18 such license.

19 *b.* (1) Prior to January 1, 2013, a person who is engaged in
20 the practice of polysomnography without being licensed under
21 this chapter shall not be deemed to be in violation of this
22 chapter.

23 (2) A person who is engaged in the practice of
24 polysomnography on January 1, 2013, shall be eligible for
25 licensure under this chapter without meeting the educational
26 requirements of this section provided that the person meets the
27 requirements of subsection 2, paragraphs "b", "c", and "d".

28 2. A person seeking licensure as a polysomnographic
29 technologist shall be of good moral character, shall be at
30 least eighteen years of age, shall pay the fees established
31 by the board for licensure, and shall present proof that the
32 person meets all of the following requirements:

33 *a.* Meet one of the following educational requirements:

34 (1) Graduation from a polysomnographic educational program
35 that is accredited by the committee on accreditation of

1 polysomnographic technologist education or by a committee
2 on accreditation for the commission on accreditation of
3 allied health education programs, or an equivalent program as
4 determined by the board.

5 (2) Graduation from a respiratory care educational
6 program that is accredited by the committee on accreditation
7 for respiratory care or by a committee on accreditation
8 for the commission on accreditation of allied health
9 education programs, and completion of the curriculum for a
10 polysomnographic certificate established and accredited by the
11 commission on accreditation of allied health education programs
12 as an extension of the respiratory care program.

13 (3) Graduation from an electroneurodiagnostic technologist
14 educational program that is accredited by the committee
15 on accreditation for education in electroneurodiagnostic
16 technology or by a committee on accreditation for the
17 commission on accreditation of allied health education
18 programs, and completion of the curriculum for a
19 polysomnography certificate established and accredited by the
20 commission on accreditation of allied health education programs
21 as an extension of the electroneurodiagnostic education
22 program.

23 (4) Successful completion of an accredited sleep
24 technologist educational program that is accredited by the
25 American academy of sleep medicine.

26 *b.* Pass the national certifying examination given by
27 the board of registered polysomnographic technologists or a
28 nationally recognized accredited certifying agency.

29 *c.* Be credentialed by the board of registered
30 polysomnographic technologists or a nationally recognized
31 accredited certifying agency.

32 *d.* Meet any additional educational or clinical requirements
33 established by the board, as recommended by the committee.

34 3. To be eligible for renewal of a license to engage in the
35 practice of polysomnography, a polysomnographic technologist

1 shall maintain that person's credential in compliance with
2 rules set forth by a national accredited certifying agency, as
3 adopted by the board in rule.

4 Sec. 12. NEW SECTION. 148F.9 **Persons exempt from licensing**
5 **requirement — temporary permit.**

6 1. The following persons may provide sleep-related services
7 without being licensed as a polysomnographic technologist under
8 this chapter:

9 a. A polysomnographic technician may provide sleep-related
10 services under the general supervision of a physician for
11 a period of up to six months from the date of the person's
12 graduation from one of the accredited programs described in
13 section 148F.8. The board may in its sole discretion grant a
14 one-time extension of up to three months beyond this one-year
15 period.

16 b. A polysomnographic trainee may provide sleep-related
17 services under the direct supervision of a polysomnographic
18 technologist as a part of the person's educational program
19 while actively enrolled in an accredited sleep technologist
20 educational program.

21 c. A polysomnographic student may provide sleep-related
22 services under the direct supervision of a polysomnographic
23 technologist as a part of the person's educational program
24 while actively enrolled in a polysomnographic educational
25 program that is accredited by the commission on accreditation
26 of allied health education programs or an equivalent program as
27 determined by the board.

28 d. A person, other than a respiratory care practitioner
29 licensed under this chapter, credentialed in one of the
30 health-related fields accepted by the board of registered
31 polysomnographic technologists or another nationally recognized
32 certifying agency, may provide sleep-related services under
33 the direct supervision of a polysomnographic technologist
34 for a period of up to one year while obtaining the clinical
35 experience necessary to be eligible to take the examination.

1 2. Before providing any sleep-related services, a
2 polysomnographic technician shall obtain a temporary permit
3 from the board. While providing sleep-related services, the
4 technician shall wear a badge that appropriately identifies the
5 person as a polysomnographic technician.

6 3. Before providing any sleep-related services, a
7 polysomnographic trainee shall give notice to the board that
8 the trainee is enrolled in an approved educational program.
9 Trainees shall wear a badge that appropriately identifies the
10 trainee as a polysomnographic trainee while providing such
11 services.

12 4. Before providing any sleep-related services, a person
13 who is obtaining clinical experience shall give notice to the
14 board that the person is working under the direct supervision
15 of a polysomnographic technologist in order to gain the
16 experience to be eligible to sit for a national certification
17 examination. The person shall wear a badge that appropriately
18 identifies the person while providing such services.

19 5. Polysomnographic students shall not receive compensation
20 for the sleep-related services they provide and shall wear
21 badges that appropriately identify them as students.

22 **Sec. 13. NEW SECTION. 148F.10 Issuance, retirement, and**
23 **renewal of licenses.**

24 1. The board shall issue and renew licenses under this
25 chapter as provided by the board in rule.

26 2. A person who has been issued a license to practice under
27 this chapter who wishes to retire that license shall file with
28 the board an affidavit on a form to be furnished by the board
29 stating the date on which the person retired from practice
30 and other facts that verify the retirement as the board deems
31 necessary. Any such person who thereafter wishes to reenter
32 practice shall request reinstatement of licensure.

33 3. A license issued by the board under this chapter
34 shall contain the name and address of the person to whom it
35 is issued, the date and number of the license, and other

1 practice of polysomnography. Code section 147.86 provides
2 that it is a serious misdemeanor to violate a provision of the
3 licensing laws. The licensing program is administered and
4 regulated by the board of psychology. The membership of the
5 board of psychology is modified. The board currently has five
6 licensed psychologist members and two public members. The
7 bill provides for five psychologists, two polysomnographic
8 technologists, and two public members, for a total of nine
9 members.

10 A licensed polysomnographic technologist practices under
11 the general supervision of a licensed physician, providing
12 specifically enumerated services related to sleep disorders.
13 A polysomnographic student or trainee enrolled in an approved
14 educational program provides services under the direct
15 supervision of a polysomnographic technologist.

16 The bill sets out educational standards and testing
17 requirements, and provides for disciplinary actions.